

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

**FILED**

3 DEC 9 2008

4 **SEALED**  
5 **BY COURT ORDER**

RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

6 **SEALED**  
7 **BY COURT ORDER**

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

**PJH**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 IAN CARL DEPAKAKIBO GARCIA, and  
15 JUAN PAULO DEPAKAKIBO GARCIA,

16 Defendants.

**CR 08**

**0888**

VIOLATIONS: 18 U.S.C. § 371 –  
Conspiracy; 31 U.S.C. § 5332 – Bulk Cash  
Smuggling; 31 U.S.C. §§ 5316 & 5322 –  
Failure to File Report on Import of Monetary  
Instruments; 18 U.S.C. § 1001 – False  
Statement to Government Agency

SAN FRANCISCO VENUE

17 INDICTMENT

18 The Grand Jury charges:

19 COUNT ONE: (18 U.S.C. § 371 and 31 U.S.C. § 5332)

20 Beginning at a date unknown, and continuing to on or about December 19, 2003, in the  
21 Northern District of California and elsewhere, the defendants,

22 IAN CARL DEPAKAKIBO GARCIA, and  
23 JUAN PAULO DEPAKAKIBO GARCIA,

24 and others, did knowingly and intentionally conspire to commit offenses against the United  
25 States, that is, the defendants conspired to transport and attempt to transport more than \$10,000  
26 in currency that was concealed on their persons and in their luggage, from a place outside the  
27 United States, that is, Manila, Philippines, to a place inside the United States, that is, the San  
28 Francisco International Airport, knowingly and with the intent to evade a currency reporting

INDICTMENT

1 requirement under Title 31, United States Code, Section 5316.

2 OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

3 In furtherance of the conspiracy and to effect its objects, the defendants, IAN CARL  
4 DEPAKAKIBO GARCIA, JUAN PAULO DEPAKAKIBO GARCIA, and others committed and  
5 caused to be committed the following overt acts, all on or about December 19, 2003, in the  
6 Northern District of California and elsewhere:

- 7 a. JUAN PAULO DEPAKAKIBO GARCIA carried approximately \$50,000, in  
8 United States currency, concealed in envelopes located inside a jacket in his carry-  
9 on luggage, aboard Philippines Airlines flight 104 from Manila, Philippines, to  
10 San Francisco International Airport.
- 11 b. IAN CARL DEPAKAKIBO GARCIA carried approximately \$50,000, in United  
12 States currency, concealed in envelopes located inside a pair of shoes in his carry-  
13 on luggage and in the inner pocket of his carry-on luggage, aboard Philippines  
14 Airlines flight 104 from Manila, Philippines, to San Francisco International  
15 Airport.
- 16 c. JUAN PAULO DEPAKAKIBO GARCIA signed a United States Customs Form  
17 6059B on behalf of himself and his brother, IAN CARL DEPAKAKIBO  
18 GARCIA. On the form, JUAN PAULO DEPAKAKIBO GARCIA marked the  
19 "No" box indicating that he and his brother, IAN CARL DEPAKAKIBO  
20 GARCIA, were not carrying more than \$10,000 in currency.
- 21 d. IAN CARL DEPAKAKIBO GARCIA and JUAN PAULO DEPAKAKIBO  
22 GARCIA falsely told a Customs Inspector at the San Francisco International  
23 Airport that they were carrying a total of \$1,000 in United States currency.

24 All in violation of Title 18, United States Code, Section 371 and Title 31, United States  
25 Code, Section 5332.

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1 COUNT TWO: (31 U.S.C. § 5332)

2 On or about December 19, 2003, in the Northern District of California and elsewhere, the  
3 defendants,

4 IAN CARL DEPAKAKIBO GARCIA, and  
5 JUAN PAULO DEPAKAKIBO GARCIA,

6 knowingly and with the intent to evade a currency reporting requirement under Title 31, United  
7 States Code, Section 5316, concealed on their persons and in their luggage more than \$10,000 in  
8 currency, and transported and attempted to transport that currency from a place outside the  
9 United States, that is, Manila, Philippines, to a place inside the United States, that is, the San  
10 Francisco International Airport, in violation of Title 31, United States Code, Section 5332.

11 COUNT THREE: (31 U.S.C. §§ 5316 and 5322)

12 On or about December 19, 2003, in the Northern District of California and elsewhere, the  
13 defendant,

14 JUAN PAULO DEPAKAKIBO GARCIA,

15 knowingly transported, and had transported, monetary instruments of more than \$10,000, that is,  
16 approximately \$100,000, from and through a place outside of the United States, that is, Manila,  
17 Philippines, to a place in the United States, that is, the San Francisco International Airport, and  
18 willfully failed to file a report regarding the transport of those monetary instruments, knowing  
19 that such a report was required to be filed, in violation of Title 31, United States Code, Sections  
20 5316 and 5322.

21  
22 COUNT FOUR: (18 U.S.C. § 1001)

23 On or about December 19, 2003, in the Northern District of California, and elsewhere, in  
24 a matter within the jurisdiction of the executive branch of the United States, specifically, the  
25 United States Customs and Border Protection, formerly the United States Customs Service, the  
26 defendant,

27 JUAN PAULO DEPAKAKIBO GARCIA,  
28

knowingly and willfully made a materially false statement and representation, in that on United States Customs Form 6059B he marked the "No" box indicating that he and his brother, IAN CARL DEPAKAKIBO GARCIA, were not carrying more than \$10,000 in currency when in fact they had transported approximately \$100,000 in currency from Manila, Philippines, to San Francisco International Airport, in violation of Title 18, United States Code, Section 1001.

**FORFEITURE ALLEGATION:** (31 U.S.C. §§ 5317(c)(1) and 5332(b)(2))

The allegations in Counts One through Three of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 31, United States Code, Sections 5317(c)(1) and 5332(b)(2).

Upon conviction of any of the offenses charged in Counts One, Two, or Three, the defendants,

IAN CARL DEPAKAKIBO GARCIA, and  
JUAN PAULO DEPAKAKIBO GARCIA,

shall forfeit to the United States, any property, real or personal, involved in the offense of conviction and any property traceable thereto, including but not limited to the \$100,000 in United States Currency seized on December 19, 2003.

**DATED:**

## A TRUE BILL

12/9/08

George Hammond  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

BRIAN J. STRETCH  
Chief, Criminal Division

(Approved as to form:

AUSA Kelly

## INDICTMENT